

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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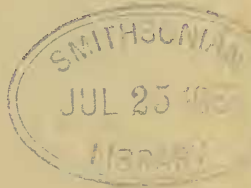
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 395

Validation, under the Plenary Powers, of the specific name *flavipes* Olivier, 1795, as published in the combination *Dytiscus flavipes* (Class Insecta, Order Coleoptera)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

OPINION 395

VALIDATION, UNDER THE PLENARY POWERS, OF THE SPECIFIC NAME "FLAVIPES" OLIVIER, 1795, AS PUBLISHED IN THE COMBINATION "DYTISCUS FLAVIPES" (CLASS INSECTA, ORDER COLEOPTERA)

RULING :—(1) Under the Plenary Powers the specific name *flavipes* Fabricius, 1792, as published in the combination *Dytiscus flavipes*, is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy.

(2) The under-mentioned specific name, as validated under the Plenary Powers under (1) above is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 692 : *flavipes* Olivier, 1795, as published in the combination *Dytiscus flavipes*.

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 264 : *flavipes* Fabricius, 1792, as published in the combination *Dytiscus flavipes*, as suppressed under the Plenary Powers under (1) above.

I.—THE STATEMENT OF THE CASE

On 26th March 1952 Mr. John Balfour-Browne (*British Museum (Natural History), London*) submitted to the Commission the following application for the validation under the Plenary

Powers of the specific name *flavipes* Olivier, 1795, as published in the combination *Dytiscus flavipes* :—

Proposed use of the Plenary Powers to validate the trivial name “flavipes” Olivier, 1795, as published in the combination “Dytiscus flavipes” (Class Insecta, Order Coleoptera)

By J. BALFOUR-BROWNE, M.A.

(Department of Entomology, British Museum (Natural History),
London)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to validate the trivial name *flavipes* Olivier, 1795, as published in the combination *Dytiscus flavipes*, by suppressing the trivial name *flavipes* Fabricius, 1792, as published in the same combination. The name *flavipes* Olivier is habitually used for the species variously known as *Hydroporus* (*Graptodytes*) *flavipes* or as *Graptodytes flavipes* (according to the view taken as to whether *Graptodytes* Seidlitz, 1887, should be regarded as a full genus or as a subgenus only). The older homonym *flavipes* Fabricius has, on the other hand, never been used by any author since its identity was determined in 1808 by Gyllenhal, who showed that it was an un-needed synonym of a different species (see paragraph 7 below).

2. The species with which the present application is concerned, *Hydroporus* (*Graptodytes*) *flavipes* (Olivier, 1795), has been known by this name, and has been attributed to Olivier, by all authors, except Zaitzev (1907) and Guignot (1947). Six trivial names, three of Stephens and three of Schaufuss, are listed by Zimmermann (1932, *Best.-Tab. eur. Col.* 103 : 8) in the synonymy of this species.

3. Stephens did not mention *flavipes* Olivier, but in 1828 (*Ill. Brit. Ent.*, Mand. 2 : 58) he described a species to which he applied the name *Hydroporus minimus* (Scopoli) i.e. *Dytiscus minimus* Scopoli, 1763 (*Ent. carn.* : 98) ; the description so given applies well to *Dytiscus flavipes* Olivier. It is accepted that the *minimus* of Stephens is not that of Scopoli, which latter is accepted as being identical with *Dytiscus granularis* Linnaeus, 1767. The trivial name *minimus* Stephens, 1828, is not available for *flavipes* Olivier, since it is based upon a mis-identification (Article 36).

4. The next name to be considered is *Hydroporus concinnus* Stephens, 1835 (*Ill. Brit. Ent.*, Mand. 5 : 392). This name is treated by most authors as a synonym of *Dytiscus flavipes* Olivier, but the description given by Stephens cannot, in my opinion, apply to that species.

Moreover, the size given by Stephens for *concinus* is too large for *flavipes* Olivier. The Stephens Collection does not contain either the holotype for this species, if there was one, nor does it contain any syntypes, if this species was based upon syntypes only. This species is unrecognisable from the description and the name *Hydroporus concinns* Stephens must be regarded as a *nomen dubium*.

5. Later in the same volume (5 : 438) Stephens established another new nominal species, *Hydroporus marmoratus*, which is also normally identified with *Dytiscus flavipes* Olivier. Stephens' description of *marmoratus* could apply to *flavipes*, but the locality given by Stephens for his *marmoratus* lies outside the known area of distribution of *flavipes*. There is today no specimen of *marmoratus* in the Stephens Collection. The name *Hydroporus marmoratus* Stephens, like *Hydroporus concinns* Stephens, must therefore be regarded as a *nomen dubium*.

6. Zaitzev (1907, *Rev. russ. Ent.* 7 : 118) was the first to point out that the name *Dytiscus flavipes* Olivier 1795 (*Entomologie* 3 (No. 40) : 38, pl. 5, fig. 52a, b) was an invalid junior homonym of *Dytiscus flavipes* Fabricius, 1792 (*Ent. syst.* 1 : 201). He proposed that the trivial name *concinus* Stephens, 1835, should be brought into use for the species till then known by the name *flavipes* Olivier. This proposal was ignored. In 1947 (*Faun. France* 48 : 122 and footnote) the same proposal was again brought forward by Guignot.

7. The nominal species *Dytiscus flavipes* Fabricius was described as "Habitat in India orientali D. Lund." In 1801 (*Syst. Eleuth.* 1 : 273) Fabricius again mentioned his *flavipes*, giving a reference to his description of this species in the *Ent. syst.* but on this occasion stating that this species occurred "in Daniae paludibus D. Lund". It is now accepted that the locality given by Fabricius in 1792 was a mistake due to a *lapsus calami*. It is agreed also that this species is the same as *Dytiscus planus* Fabricius, 1781 (*Spec. Ins.* 2 : 501) (a species which is currently regarded as belonging to the genus *Hydroporus* Schellenberg, 1806 (s. str.)). The name *flavipes* Fabricius, 1792, is therefore a subjective junior synonym of *planus* Fabricius, 1781. Gyllenhal examined the type specimen of *flavipes* Fabricius, which he considered to be a colour variety of *planus* Fabricius (Gyllenhal, 1808, *Ins. suec.* 1 : 531). The name *flavipes* Fabricius has never appeared in the literature since the publication of Gyllenhal's paper.

8. The trivial name *flavipes* Olivier has been continuously in use for the species concerned ever since its first publication in 1795—a period of over 150 years and is still so used ; the only authors who have rejected this name are Zaitzev (1907) and Guignot (1947), but this action has won no support. On the other hand, the older trivial name *flavipes* Fabricius, through which *flavipes* Olivier is invalidated

by homonymy, has not appeared in the literature for over 140 years and, being a junior synonym of *planus* Fabricius, can never be needed. Accordingly, its suppression by the International Commission under its Plenary Powers could not possibly cause the slightest inconvenience or disturbance, but would on the contrary, be of great value, since, by validating *flavipes* Olivier, it would both promote stability and uniformity and, in addition, prevent the situation of extreme confusion and uncertainty which would otherwise arise owing to the fact that each of the next two possible names (*concinus* Stephens, 1835, and *marmoratus* Stephens, 1835) is a *nomen dubium* and could never provide a stable name for the present species.

9. The concrete proposals which are accordingly now laid before the International Commission on Zoological Nomenclature are that it should :—

- (1) use its Plenary Powers for the purpose of suppressing, for the purposes both of the Law of Priority and of the Law of Homonymy, the trivial name *flavipes* Fabricius, 1792, as published in the combination *Dytiscus flavipes* ;
- (2) place the trivial name *flavipes* Olivier, 1795, as published in the combination *Dytiscus flavipes*, on the *Official List of Specific Trivial Names in Zoology* ;
- (3) place the trivial name *flavipes* Fabricius, 1792, as published in the combination *Dytiscus flavipes*, as proposed, in (1) above, to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology*.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Mr. Balfour-Browne's application the question of the use of the Plenary Powers for the purpose of validating the specific name *flavipes* Olivier, 1795, as published in the combination *Dytiscus flavipes*, was allotted the Registered Number Z.N.(S.) 667.

3. Publication of the present application : The present application was sent to the printer on 21st September 1952 and was

published on 30th December of the same year in Double-Part 4/5 of volume 9 of the *Bulletin of Zoological Nomenclature* (Balfour-Browne, 1952, *Bull. zool. Nomencl.* 9 : 128—130).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 30th December 1952 (a) in Double-Part 4/5 of volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Balfour-Browne's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to certain general zoological serial publications and to a number of entomological serials in Europe and America.

5. No objection received : The issue of the Public Notices specified in the foregoing paragraph elicited no objection to the action proposed in the present case.

III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(54)61 : On 5th April 1954, a Voting Paper (V.P.(54)61) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the name *flavipes* Olivier, 1795, as published in the combination *Dytiscus flavipes*, as specified in Points (1) to (3) in paragraph 9 at the foot of page 129 and the top of page 130 of volume 9 of the *Bulletin of Zoological Nomenclature* " [i.e. in the Points numbered as above in paragraph 9 of the

application reproduced in the first paragraph of the present *Opinion*].

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 5th July 1954.

8. Particulars of the Voting on Voting Paper V.P.(54)61 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)61 was as follows :—

(a) *Affirmative Votes had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Bonnet ; Hering ; Vokes ; Esaki ; Riley ;
Dymond ; Boschma ; Lemche ; do Amaral ; Hankó ;
Bradley (J.C.) ; Pearson ; Hemming ; Cabrera ;
Sylvester-Bradley ; Stoll ; Jaczewski ; Mertens ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

9. Declaration of Result of Vote : On 6th July 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)61, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal

submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. Preparation of the Ruling given in the present "Opinion" :

On 26th February 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)61.

11. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

flavipes, *Dytiscus*, Fabricius, 1792, *Ent. syst.* 1 : 201

flavipes, *Dytiscus*, Olivier, 1795, *Entomologie* 3 (No. 40) : 38, pl. 5, fig. 52a, b

12. At the time of the submission of the present application the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

13. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Opinion* shall be known as *Opinion Three Hundred and Ninety-Five* (395) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Sixth day of February, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING